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FACSIMILE TRANSMISSION

October 11, 2005

[190250-1700]

TO		FROM
Mail Stop Issue Fee		Jeff Kuester
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RE: Issue Fee

Message:

Issue Fee Transmittal
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Comments on Statement of Reason for Allowance

Number of Pages (Including This Cover Sheet): - 6 - Page(s)
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INTERNATIONAL PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED LITIGATION

Huntsville, Alabama

♦

Atlanta, Georgia



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Inventor: Parker

Confirmation No.: 1895

Serial No.: 10/735,101

Group Art Unit: 2645

Filed: December 12, 2003

Examiner: Smith, Creighton H.

Docket No.: 190250-1700

For: EFFICIENCY REPORT INCORPORATING COMMUNICATION SWITCH STATISTIC

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner has made statements in the Statement of Reasons for Allowance that may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicant provides the following comments to ensure proper interpretation of the claims and history.

While Applicant agrees with the Examiner that the stated reasons for allowance of the claims are indeed valid grounds for allowance, Applicant wishes to clarify for the record that the stated reasons may be viewed as an oversimplification of the issues. Along these lines, first, Applicant does *not* admit that the stated reasons for allowance are the only reasons for allowance, and Applicant contends that the allowance and scope of these claims are in fact *not* limited to the Examiner's stated reasons for allowance. Second, each allowed claim has a different combination of elements, which distinguish each claim from the references of record, and consequently, each claim should be analyzed separately for infringement and validity. 35 U.S.C.

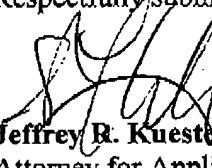
Serial No.: 10/735,101
Art Unit: 2645

288. In other words, all of the claims do not stand or fall together, especially and particularly based upon the stated reasons for allowance.

Additionally, Applicant would like to affirm the examiner's amendment as directed by Jeff Kuester through a phone call by Benjamin Balser.

If the Examiner disagrees with any of Applicant's comments herein, Applicant respectfully requests that the Examiner further clarify the record. Otherwise, it should be assumed that the above discussion is an accurate characterization of the file history and interpretation of the claims.

Respectfully submitted,



Jeffrey R. Kuester, Reg. No. 34,367
Attorney for Applicant

Date: 10-11-05

Docket: 190250-1700

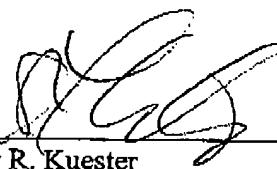
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Date: 10-11-05



Jeffrey R. Kuester

In re application of: Parker

Confirmation No.: 1895

U.S. Serial Number: 10/735,101

Art Unit: 2645

Filing Date: December 12, 2003

Examiner: Smith, Creighton H.

Our Reference Number: 190250-1700

Title: Efficiency Report Incorporating Communication Switch Statistic

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